



MINUTES
BOARD OF EQUAL RIGHTS COMMISSIONERS
May 17, 2017 at 2:30 P.M., City Hall, Room 303

Present:

Commissioner Jeffery Roman, Chair
Commissioner Chez Ordonez, Vice-Chair
Commissioner Tony Snell
Commissioner Mayhoua Moua
Commissioner Sheila Ashley

Sharon Robinson, DOA Director
Jessica Langill, Dept. of Administration
Patricia Ruiz-Cantu, Dept. Of Administration
Ben Roovers, City Attorney's Office
Adam Wickersham, City of Milwaukee LRB
Rebecca Rabatin, DOA Budget & Management
James Carnell, Community Member
Kevin Isaacson, Community Member
Shelley Gregory, Milwaukee LGBT Community Center

The meeting was called to order at 2:36 p.m. by Commissioner Roman

1. Approval of Minutes from April 19, 2017

Commissioner Ordonez moved to approve the meeting minutes from the April 19, 2017 meeting. Commissioner Snell seconded. Minutes approved unanimously.

2. Community Listening Session Feedback

Commissioner Roman asked Jessica Langill to go over the feedback report she had compiled from the surveys collected from the Listening Session at the LGBT Community Center. Ms. Langill reported that out of 14 participants, 12 found the listening session very valuable and 2 found it somewhat valuable. Out of 14 participants, 11 said they felt very comfortable contacting the ERC for assistance & resources, 2 said they were somewhat comfortable, and 1 said they were neutral. Responses to the question "what can the ERC do to better serve the needs of your

community?” included more education, more outreach & promotion, the realization that transgender issues are more than just the bathroom debate, clarify steps to file complaints, and make more public announcements of support (TV, radio, interviews, etc.). Responses to the question “what can the city of Milwaukee do to better serve the needs of your community?” included penalize anti-LGBT offenses more stiffly, understand transgender and non-binary people, work harder to help segregated communities, provide more info about LGBTQ businesses, and have other city departments hold listening sessions as well. Ms. Langill suggested that the ERC continue to do more listening sessions in other communities as well.

Commissioner Roman thanked the LGBT Community Center and FORGE for putting the listening session together and he stated he wants the community to hold the ERC accountable for continuing to work for equality for the LGBTQ community. He stated he wants to continue to partner and build relationships. Commissioner Snell agreed that the listening session was a great success and that it was extremely important to hear all of the personal stories. Commissioner Snell asked the 2 community members at the meeting to state their name for the record if they felt comfortable. James Carnell and Kevin Isaacson both stated their names. Commissioner Snell stated that he and Ms. Langill had a follow-up meeting with some members of the community and he said that he would like to continue to have similar meetings regularly. Ms. Robinson stated that Ms. Langill had briefed the Mayor on the listening session. Ms. Langill reported the Mayor was supportive and had offered to do a listening session of his own for the LGBTQ community. Commissioner Ordonez stated the listening session was a testament to show how many passionate people there are around the issues. He stated it should push the ERC to do more for this community and use it to make the ordinance rewrite even better. Commissioner Moua stated that the Asian community doesn’t always speak up, but that she would like to work more closely with the LGBT community and refer members from the Asian community to the LGBT Center.

3. Ordinance Rewrite Updated/Discussion

Commissioner Roman stated there was an ordinance rewrite committee meeting on Monday, May 15th. Ben Roovers stated that they had been working on the draft #6. He stated it was a product of the meetings with the committee and the listening session. Mr. Roovers stated the “fluffy” language had been removed from the current draft and that it is meant to stick to concrete guidelines and build in a process for complaints to be heard at a city level. Mr. Roovers stated that the ordinance rewrite draft was created to provide more protections to the transgender community and that he feels that the current draft does that. He stated that credit score and criminal convictions as a protected class had been discussed by the committee but Ms. Robinson stated they had decided to hold off on adding those classes until capacity and workload issues had been addressed. Ms. Robinson said those additional classes could be phased in over the next few years.

Commissioner Ordonez asked if we could look at the workload and staffing of other cities and Ms. Langill stated that the LRB was currently doing an analysis looking at approximately 14 other cities and getting information on the number of complaints and staff they have. Commissioner Roman stated that this rewrite would give the city the opportunity to show its commitment to equality through building capacity and providing resources. Ms. Robinson stated that the LRB Analysis was not the fiscal note, but that information on what the cities spend annually will be included.

Commissioner Snell asked if the legal ramifications in the ordinance rewrite were solid and Mr. Roovers stated he had vetted them in the beginning and that he does not see that it would not have an issue withstanding judicial scrutiny. Mr. Roovers stated it would be up to the city to decide how they wanted to handle investigations and cautioned that the ERC just be careful in following due process. Ms. Robinson said the ordinance rewrite draft did a good job being clear about what the ERC can and cannot do and Mr. Roovers stated that the ordinance also does a good job at laying out the rights of those being accused as well. Commissioner Ashley stated that the committee had committed to creating a community infrastructure to assist with capacity and resources. She asked that community infrastructure be considered in the LRB Analysis. Ms. Robinson brought up partnership agreements and stated the LRB Analysis may be able to find a sample agreement that the ERC can use when creating community partnerships.

Shelley Gregory from the Milwaukee LGBT Community Center requested to give some feedback on the current ordinance rewrite. Gregory stated that the definition in section 109-5 for “sexual orientation” should be modified a bit due to the wording about “an enduring pattern.” Gregory suggested that the entire definition be rewritten to be more mindful of the current understanding about sexual orientation and more closely mirrors the definition of “gender identity.” Gregory suggested the definition should state that sexual orientation is a person’s sense of their sexual orientation. Gregory also talked about leaving room for people who are asexual, or people that are attracted to multiple genders. Gregory stated the definition should not talk about attraction to the “opposite sex.” Discussion and research on other existing definitions followed. Mr. Roovers stated that “sexual orientation” under the Wisconsin Fair Employment Act only included heterosexual, homosexual and bisexual “preference.” Having a more broad definition in the ERC ordinance would open up protections for any other sexualities. Commissioner Snell stated that it was important for the ERC to cover anyone not covered under state and federal laws.

Commissioner Snell moved to adopt the current ordinance rewrite (with the modified language) and pending public feedback. After discussion Commissioner Roman entertained a motion to table Commissioner Snell’s motion until the June meeting to allow time for more work to be done on the ordinance rewrite and the current definitions. Commissioner Ordonez seconded.

Mr. Wickersham stated that if the ordinance was tabled it would not be able to go out to the Alders. Mr. Wickersham stated that if the ordinance rewrite was voted on and passed by the Commission it would still be a “living document” that could be changed at any point, allowing for community feedback and definition changes. The Commissioners agreed that they wanted to be able to get it out to the Common Council as soon as possible. Ms. Robinson stated that the ERC was hoping to bring the final ordinance draft to the Judiciary and Legislation Committee in the July meeting. Shelley Gregory also stated that the “gender identity” definition may need some work and offered to take it back to the community and send the ERC a more inclusive definition to be used in the ordinance rewrite.

Commissioner Snell motioned to rescind the motion to table the ordinance rewrite until the next meeting. Commissioner Ordonez seconded. After no further discussion, Commissioner Snell motioned to adopt draft 6 of the ordinance rewrite. Commissioner Ashley seconded. All Commissioners voted in favor of adopting draft 6 of the Chapter 109 Ordinance rewrite.

Ms. Robinson asked the Commission to look at the proposed timeline and to think about how they were going to go about meeting with everyone necessary and reaching out to the community. Commissioner Roman said the ordinance rewrite committee could take over following through on the timeline and would work with DOA to schedule meetings and listening sessions. Ms. Robinson stated it was important to meet with the community organizations that work with the protected classes and get their buy in for the ordinance rewrite and potential partnerships. Commissioner Ordonez requested a fact sheet on the ordinance that could be used in meetings with the Alders and community organizations. Ms. Robinson asked Commissioner Ordonez to put together a key list of organizations that need to be notified about the ordinance.

Commissioner Ordonez recommended that the next community listening session for the ordinance rewrite should coincide with the next ERC meeting so that business could be handled first and the listening session could happen afterwards. Commissioner Roman asked the rewrite committee to schedule a meeting and talk about who needed to be invited to the upcoming listening session. Commissioner Ashley talked about the importance of all Commissioners reaching out to their networks. James Carnell (community member) suggested that the Commissioners attend some upcoming community events to spread the word about the ordinance rewrite and listening sessions. Commissioner Roman asked the community members to send any invites for community events to Jessica Langill and the ERC would do their best to send representation.

4. Executive Order

Commissioner Roman stated that the ERC had been working with a number of community organizations to put together a response for the potential religious freedom executive order. Commissioner Snell stated that after the executive order came out it had less of an impact on the LGBTQ community than expected so the ERC and community organizations agreed to pull back and not issue a response at this time.

Commissioner Ordonez asked if there had been any statements from similar equal rights bodies that had gone out in response to the executive order. Commissioner Snell stated the ERC should reach out to religious organizations and the ACLU to see the impact on religious communities. Commissioner Snell stated that the executive order opened up the ability for religious organizations to participate politically without IRS and other issues. He also shared that the original expected executive order would have allowed business to deny services to LGBTQ people under the basis of religious freedom. Commissioner Snell stated that the community was prepared to take action but that they pulled back until it potentially comes up again in the future.

5. Human Rights Campaign Municipality Equality Index

Ms. Langill stated that she had met with the Mayor who was very passionate about working to get Milwaukee's Index Score raised. She also stated that the Milwaukee Police Department had just assigned two LGBTQ Liaisons, which will add 10 points to the score. She stated that she and Commissioner Snell would be meeting with the Liaisons. Ms. Langill stated that Mayor's Office would be working to assign an LGBTQ Liaison. Commissioner Snell stated that the city should also be getting additional points for elected and appointed officials that are openly LGBTQ. He also added that the investment by the city to fund organizations that work with LGBTQ community members would add more points to our score. Ms. Langill stated she is researching CDBG funding and having the grant writer look into it.

Commissioner Ordonez asked what other steps needed to be taken to work on raising Milwaukee's HRC Index Score. Ms. Langill stated after the ordinance rewrite, an appointment of an LGBTQ liaison in the Mayor's Office and accurate reporting, the only other thing that was weakening the score was health care benefits for transgender city employees. She stated a meeting with Maria Monteagudo would be important to talk about those health care benefits. Commissioner Snell talked about the importance of reaching a 100%. The city of Milwaukee currently has a 71%. Commissioner Snell stated that the city has the ability to send in additional information to the HRC after receiving the initial score, and talked about making sure we were accurately reporting everything that the city is doing to earn the points.

6. Future Listening Sessions

Commissioner Ordonez stated that the rewrite committee would discuss the upcoming listening session in their next rewrite meeting. Ms. Langill added that the disability community had requested a listening session at Independence First in July.

Commissioner Ordonez suggested that the ERC set up that listening session in a similar fashion to the meeting held at the LGBT Center, with business being conducted first and then the listening session afterward. It was decided that the July ERC meeting would tentatively be held at Independence First.

Commissioner Ordonez asked how the ERC was going to be involved in PrideFest. Ms. Langill stated that someone from the ERC could speak during the Opening Ceremonies. Commissioner Snell stated he would talk to the organizers to get the ERC into the opening ceremonies. Commissioner Ordonez suggested the ERC work with the Mayor's Office to issue a proclamation to PrideFest for the 30th anniversary.

7. Human Rights Day

Commissioner Snell went over some details for Human Rights Day (Dec. 8) planning. He stated there were some students from MATC that may be able to assist Ms. Langill in the planning and preparation of the day. Commissioner Snell read over proposed wording for the awards the ERC will give out for the day. Commissioner Ordonez asked about criteria, and Commissioner Snell stated the committee would work on specifics. Commissioner Ordonez stated the framework could also be used for the ERC's business approval program. Commissioner Ashley stated the Wisconsin Fair Housing Council did yearly awards and the ERC may be able to use their criteria. She suggested we reach out to the schools to create art for the day.

8. Community Dialogue/Events

Kevin Isaacson (community member) stated they would be sure to pass info along for the transgender events coming up in the community. James Carnell asked if they would be able to mention the ordinance rewrite in the march for freedom speech. The Commissioners said they would be happy to work with James on what can be said. Commissioner Ashley stated she has learned so much from working with the community and is thankful for the opportunity to work with the transgender community.

9. Next Meeting is Wednesday, June 21st. ERC will be involved at Pride June 9th.

10. Adjourn

Meeting adjourned at 4:07 p.m.

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